

Appl. No.: 10/509,551

Amdt. Dated: January 11, 2007

Reply to Office Action of September 12, 2006

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REMARKS

This is in response to the Official Action mailed September 12, 2006 noting the three-month term for response, today, December 12, 2006. As this paper is considered to be timely filed.

Japanese Patent application JP 08 225283 (JP283) and US 948815 (Ehrlich) are cited in the outstanding Action for reasons discussed below.

Paragraphs 1-3 of the Office Action refer to formality objections and the description, Abstract, claims 7, 8 and 17 and the numbering of the claims have been amended as requested in the Office Action.

Claims 1-5, 15 and 16 are rejected as anticipated under 35 U.S.C. 102(b) in the light of JP283.

Applicant submits that JP283 discloses an oil pan cleaning device for a passenger conveyor which is arranged to be attached to an underside of an escalator, by removing a footstep, to move along an oil pan below the escalator to collect debris adhering to an upper face of the oil pan. The cleaning device includes a scraper for scraping the oil pan surface, a rotatable brush for removing debris from the scraper and an integral dust settling chamber within the movable cleaning device for receiving debris removed from the scraper by the rotatable brush and thrusting the debris into a disposable permeable dust collection bag within the cleaning device.

In paragraph 6 of the Office Action, it is asserted that all of the features of claim 1 are disclosed in JB283 and thus anticipated. It appears that the oil pan of JB283 has been considered to be the exact equivalent of the collection tray of claim 1. It is noted that further elements are also considered to be equivalent such that the cleaning device 6 which moves along the oil pan to remove dust from the oil pan in JB283 with the fire-resistant collection reservoir of claim 1 and the wheel 4 of a step, the axle 7 of the wheel 4 to which the cleaning device is attached and the metal scraper 9 of JB283 with the means for moving particulate material from the collection tray into the fire resistant collection reservoir as claimed in claim 1.

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After careful review and consideration of this reference and the rejection, it is noted that in JB283 dust is moved into a settling chamber 12 by a rotating brush 11 (JB283 [0013]) and collected in a disposable dust collection receptacle (JB283 [0006]). In view of these distinctions, it is submitted that there is no hint or suggestion in JB283 of a fire resistant collection reservoir, as claimed in claim 1.

Moreover, more clearly to define the invention, claim 1 has been amended to read:

1. An apparatus for collecting particulate material comprising a collection tray, a fire resistant collection reservoir located beneath one end of said collection tray, and moving means for reciprocating movement with respect to the collection tray and the fire resistant collection reservoir for moving particulate material from said collection tray into said fire resistant collection reservoir.

We submit that amended claim 1 is clearly distinguished from the disclosure of JB283 in that there is no suggestion in JB283 of a fire-resistant collection reservoir, a collection reservoir located beneath one end of the collection tray, or moving means for reciprocating movement with respect to the collection tray and the fire resistant collection reservoir for moving particulate material from said collection tray into said fire resistant collection reservoir.

In view of these amendments and distinctions, claim 1 is believed to recite patentable subject matter in view of the aforementioned rejections. As the remaining claims are all dependent on amended claim 1, they too are then deemed allowable. Applicant further responds to the balance of objections raised with respect to the dependent claims.

In paragraph 7 of the Office Action, the lid of claim 2, which opens for receiving particulate material into the fire resistant collection reservoir and closes to make the reservoir fire resistant, is equated to the flap 20 of JB283 for removing the disposable receptacle 15 from the cleaning device 6 (JB283 [0023]). Claim 2 has been amended to clarify this distinction.

In paragraph 8 of the Office Action, the settling chamber 12 of JB283 with the removable collection unit of claim 3 appears to be equating the disposable receptacle 15 removable from the cleaning device 6, since there is no suggestion that the settling chamber 12 is removable. As

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submitted above, there appears to be no disclosure that the cleaning device is fire resistant as required by claim 3, dependent on claim 1.

In paragraph 9 of the Office Action referring to claim 4 and Figure 1 of JB283 stating that in JB283 the cleaning device 6 (which is in paragraph 6 of the Action with the claimed fire resistant collection reservoir of the present invention) located beneath one end of the oil pan is asserted to be equated with the collection tray of Applicant's instantly claimed invention. In JB283, the cleaning device is disclosed in moving over the surface of the oil pan, this rejection is believed to be overcome and made moot as this feature is now included in amended claim 1 with claim 4 having been cancelled.

Referring to the rejection of claim 5 in paragraph 10, it is submitted that there is no disclosure in JB283 of the reciprocation as set forth in claim 5. In JB283 the cleaning device appears to be driven from the top of the escalator to the bottom, along the oil pan, without any suggestion of the reciprocation feature as claimed by Applicant. It appears instead that the cleaning device of JB283 required detachment from the escalator and then it is carried back to the top of the escalator to be re-used.

In paragraph 11, equates the means for limiting the range of motion of the moving means with the guide rails 5 of JB283 which guide the front wheel 4 of a footstep 2 (JB283 [0008]). Claim 15, as amended, clarify that it is the motion of the moving means along the tray in the reciprocating direction which is limited to overcome this rejection.

Paragraph 12 asserts that the cleaning device of JB283 is also capable of being controlled by the timer means as claimed in present claim 16. The distinction between JB283 and claim 16 has been made clearer by amendment claiming the timer means in combination with the other features of the apparatus of claim 16.

Paragraph 15 states claims 6-14 are objected to as being dependent from a rejected base claim, but otherwise contain allowable subject matter is any one of these claims are combined with the base claim, claim 1. New claim 20 is a combination of current claims 1, 5 and 6 it is therefore submitted this new claim is also allowable.

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With respect to the method claims, the Ehrlich reference disclosing a mail box with a removable container is cited.

In paragraphs 13 and 14, the mail collected in the mailbox of the Ehrlich reference is stated to be the equivalent to the particulate material of claim 17 in that a mail chute anticipates a collection tray and that gravity is equivalent to providing a means of moving particulate material, etc. A definition of "particulate" from Webster's Third International Dictionary, 1976 (copy attached): "particulate *adj.* 1: existing in the form of minute separate particles 2: of or relating to distinct particles" It is submitted that in no way can or should mail collected in a mail box be described as "particulate matter," and equated to Applicant's distinctly claimed invention to raise much less support such a rejection. Claim 17 has been amended to read:

17. A method of collecting particulate material including the steps of:
- a) providing a collection tray into which said particulate material is deposited;
 - b) arranging a fire-resistant collection reservoir beneath one end of said collection tray; and
 - c) reciprocatingly moving means with respect to the collection tray and the collection reservoir to move said particulate material from the collection tray into said fire-resistant collection reservoir.

It is submitted that there is no hint or suggestion in the Ehrlich reference of "a reciprocating moving means with respect to the collection tray and the collection reservoir to move said particulate material from the collection tray into said collection reservoir" as Applicant has claimed. Therefore, claim 17 is submitted to be clear of this rejection.

As with the apparatus claims, the opening and closing of a lid is now claimed in a new dependent claim, claim 18.

New claim 21 comprises a combination of former claims 17 and 18 which were individually deemed allowable in the outstanding Office Action.

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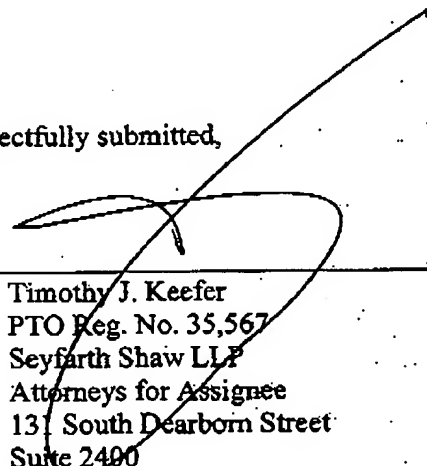
CONCLUSION

In view of the amendments and arguments provided herein, it is respectfully submitted that patentable subject matter is set forth and recited in Applicant's claims.

Accordingly, an early Notice of Allowance of this application is earnestly requested. If the Examiner should have any further issues impeding the allowance of this application, the undersigned respectfully requests to be advised of the same via telephone.

Respectfully submitted,

By



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